

MINUTES REGULAR COUNCIL MEETING

7:19 p.m.

May 23, 2023

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on May 19, 2023.

ROLL CALL

Council Members Present: Garry, Kary, Merhar, Sievers, Tomaselli, Anderson and Carr

Others Present: Mayor Fiala, Law Director Lucas, Service Director Palmisano, City Engineer Lannon, Fire Chief Ungar, Police Chief Schultz, Chief Building & Zoning Inspector Puskas, Parks & Recreation Director Keller, Finance Director Hoffman, Clerk Novak

The meeting was led in Prayer and Pledge of Allegiance by Councilman Kary.

Approval of Minutes

Motion made and seconded to approve the Regular Council Meeting Minutes of May 9, 2023.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

STANDING AND REGULAR COMMITTEE REPORTS

Committee of Full, Mr. Carr – No report.

Economic Development Committee, Mr. Anderson – No report.

Environmental Planning Committee, Mr. Kary – No report.

Finance and Audit Committee, Mr. Tomaselli – Reported the committee met this evening to discuss capital budgets for 2023.

Parks & Recreation Committee, Ms. Sievers – No report.

Personnel Committee, Mr. Anderson – No report.

Safety Committee, Mr. Tomaselli – No report.

Service Committee, Dan Anderson – No report.

WPCC Committee, Mr. Garry – No report.

Planning Commission, Mr. Kary – No report.

CORRESPONDENCE: A letter dated May 22, 2023 was received from Mary Sanders, 4326 Tudor Drive, Willoughby, Ohio detailing her concerns regarding the EAS and proposed

development at Kirtland Tudor Estates (Exhibit A attached). A letter dated May 21, 2023 was received from Katie Altadonna Morley, 39479 Tudor Drive, Willoughby, Ohio detailing her concerns regarding the EAS and proposed development at Kirtland Tudor Estates (Exhibit B attached).

PUBLIC PORTION: No one spoke.

Motion made and seconded that all ordinances and resolutions be read by caption only, with the exception of Resolution No. 2023-69 as to legislation not containing an emergency clause, the rules requiring that ordinances and resolutions be read on three separate days be waived excepting Resolution No. 2023-69.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

UNFINISHED BUSINESS:

RESOLUTION NO. 2023-57 - Tabled

A resolution approving EAS #3-2-23 for the construction of eight (8) townhomes on single family fee simple envelope lots located on Kirtland Road (Kirtland Tudor Townhomes at Kirtland Tudor Estates).

NEW BUSINESS:

RESOLUTION NO. 2023-62

A resolution authorizing the Mayor to enter into an agreement with the City of Eastlake for implementing the payment procedure for the Willoughby-Eastlake WPCC Belt Filter Press Replacement Project.

Motion made and seconded to adopt Resolution No. 2023-62.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2023-63

An ordinance authorizing the Mayor to enter into a Sixteenth Amendment to the WPCC Joint Agreement with the City of Eastlake, as amended.

Motion made and seconded to adopt Ordinance No. 2023-63.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-64

A resolution authorizing the Mayor to enter into an agreement with the City of Eastlake for implementing the payment procedure for the Willoughby-Eastlake WPCC Watermain Replacement Project.

Motion made and seconded to adopt Resolution No. 2023-64.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

ORDINANCE NO. 2023-65

An ordinance authorizing the Mayor to enter into a Seventeenth Amendment to the WPCC Joint Agreement with the City of Eastlake, as amended.

Motion made and seconded to adopt Ordinance No. 2023-65.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-66

A resolution approving EAS #4-3-23 for construction of a warehouse located at 3911 Ben Hur Avenue (Demilta Iron & Metal).

Motion made and seconded to adopt Resolution No. 2023-66.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-67

A resolution approving EAS #6-4-23 for renovation of the former Van Gorder Manor to a bed and breakfast and public restaurant located at 37819 Euclid Avenue (Willoughby House Inn & Julia's).

Motion made and seconded to adopt Resolution No. 2023-67.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-68

A resolution authorizing an expenditure in the amount of \$1,775.00 for the purchase of twenty (20) Holosun AEMS Optics (base price \$7,300.00 minus firearm trade in amount of \$5,525.00) from Tactical Assault Specialists; said Holosun AEMS Optics for use by the Willoughby Police Department, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-68 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-68.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-69 – First Reading

A resolution authorizing the first amendment to contract between Browning-Ferris Industries of Ohio, Inc. dba Republic Services of Cleveland and the City of Willoughby for residential municipal curbside solid waste, recyclable and yard waste collection and disposal in the City of Willoughby, and declaring an emergency.

RESOLUTION NO. 2023-70

A resolution authorizing the Mayor to enter into a Memorandum of Understanding with the Willoughby Part-Time Firefighter Association necessary to amend Article XVII of the agreement between the Willoughby Part-Time Firefighters and City of Willoughby, effective April 1, 2022 through March 31, 2025, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-70 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-70.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-71

A resolution authorizing the Mayor to enter into a second Memorandum of Understanding with the International Association of Firefighters, Local 2291, AFL-CIO necessary to provide for the shift personnel staffing requirements of the Willoughby Fire Department, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-71 be declared an emergency measure.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-71.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-72

A resolution authorizing the Director of Public Service to prepare plans and specifications and to advertise for bids for the Willoughby Fire Stations No. 1 and No. 2 Roof Replacement Projects, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-72 be declared an emergency measure.

Roll Call 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-72.

Roll Call 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-73

A resolution authorizing the Mayor to enter into a contract with Cole Burton Contractors, LLC in the amount of \$938,893 for implementation of the 2023 Pavement Repair Program, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-73 be declared an emergency measure.

Roll Call 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-73.

Roll Call 7 yes
0 no

Motion carried 7 to 0

MAYOR'S REPORT – Mayor Fiala thanked the Service, Police, Fire and Parks & Rec Departments for a great job with the Rib Burn-Off. He stated that Lake County will begin a helping hands program that would help seniors with small tasks around their homes i.e., snow shoveling, lawn mowing. He believes this program will help seniors in the City.

DIRECTOR'S REPORTS

Law Director Lucas – No report.

Service Director Palmisano – Mr. Palmisano thanked Council for the passage of the resolutions tonight regarding the WPCC and the Fire Stations. Flowers started going up today with banners to follow. Mr. Tomaselli asked what was going on behind the old shredder plant. Mr. Palmisano stated that area is being used for storage for the Meadowlands Basin project.

City Engineer Lannon – Mr. Lannon reported that the leveling course has been completed on Kirtland Road and guardrails are being installed today. The bid for the concrete slab work will be delayed because the contract cannot be awarded until after July 1st because the City is receiving Ohio Public Works Commission (OPWC) money. Bids will be received shortly for the pavement marking project. Mr. Carr asked about traffic on River Street during the slope stabilization project. Mr. Lannon stated the road will most likely be closed. Lake County will be replacing the water main on River Street. Most likely in 2024, the wall will be constructed and the water main will be replaced. Mr. Anderson noticed a guardrail on Rt. 84 near the old parking lot for South High School is not connected to the ground. Mr. Lannon said an inspection was done a few years ago prior to resurfacing the road but didn't see any issues so this problem must have come up recently.

Fire Chief Ungar – Chief Ungar thanked Council for the passage of Resolution Nos. 2023-70 and 2023-71. Chief Ungar gave a report on a gas line that had been struck at Breckenridge this morning. Explosive limits were found on all six floors of the north building and all six floors had to be evacuated.

Police Chief Schultz – Chief Schultz thanked Council for the passage of Resolution No. 2023-68 and for consideration of his capital requests. He thanked the Willoughby Eagles #2300 organization for their support of the department with a recent donation to the canine program that will be used for the next canine once Rex retires. All canines that have been purchased for the department have been bought through donations from residents, organizations and businesses.

Building Inspector Puskas – No report.

Parks & Recreation Director Keller – Ms. Keller reminded everyone that the Memorial Day parade is Monday; please meet at 9 a.m. at the former Willoughby Brewing parking lot. The ceremony will take place at 11 a.m. at the Lakeshore cemetery. The Great Ohio Bicycle Adventure (GOBA) will be in the City on June 20th with 1,100 cyclists camping at Todd Field. Food specials will be offered downtown as well as a host of activities for the cyclists. Mr. Garry complimented Ms. Keller on the condition of the baseball fields after a lot of rain.

Finance Director Hoffman – No report. Mr. Anderson stated a resident had asked about Open Checkbook. Ms. Hoffman stated she would look into it.

COUNCILMEN REPORTS

Ms. Sievers – No report.

Mr. Kary – No report.

Mr. Tomaselli – No report.

Mr. Merhar – No report.

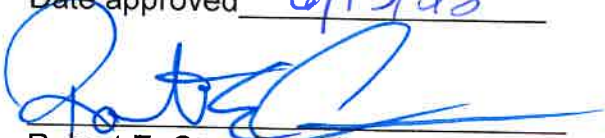
Mr. Garry – No report.



Mr. Anderson – No report.

Mr. Carr – No report. Mr. Carr discussed the election results from Issue 2.

The Regular Council Meeting adjourned at 7:54 p.m.

Date approved 6/13/23


Robert E. Carr, President


Clerk of Council

Robert A. Fiala, Mayor

May 22, 2023

Environmental Planning Committee Members and City Officials:

I appreciate the courtesy extended to me by your committee. I am aware that there are time constraints on every person in this chamber. Nonetheless, when serious environmental concerns exist around the proposed development at KTE, it is imperative that we express them to this body of City Officials.

Two weeks ago, when this discussion was tabled, several of us spoke to City Council members, during the time allotted to the public. I spoke then about several topics that seem quite pertinent to discuss with you and the developer.

1. **Noise Pollution:** Lowering or leveling the hill in the rear of the property will almost certainly impact the entire neighborhood. The surrounding hills *were created by the original developer* to decrease the highway noise coming from I 90, State Route 306, and Kirtland Road. There is no reason to assume that the noise levels have disappeared! If anything, they have increased during the 7 years we have owned our home in the Villages of KTE. Removing or lowering the manmade hills would increase the noise we all hear outdoors on our decks and patios. The hills provide some much necessary relief to the volume.
2. **Visual Impact on the Neighborhood:** The character of our home environment is one of a quiet community with some very lovely green spaces designed by the homeowners and approved by the HOA Design Review person. The HOA requires us to submit our plans and drawings prior to undertaking any landscaping around our properties. Some of the attachments are included in this email for you to see what some residents have done to improve our neighborhood at our own personal expense. They include installing water features, large rock formations, trees, shrubs, and perennials. These are attractive and serve the purpose of **preventing erosion from the hills**. Part of the neighborhood backs up to a 12' tall retaining wall so that their hill does not erode. I have not seen any of the proposed landscaping from the current developer, in spite of the fact that 9 days ago, I personally requested them and gave him my email address. Witnesses to that request were Mr. Mark Frantz and his real estate attorney. People and neighbors constitute a part of any "environment".
3. **Black Locust Trees:** These trees are at best nuisance trees. They are aggressive, have huge thorns on their trunks and branches, produce Spring pollen, and they are usually infested with ticks! In the past, the City of Willoughby has taken the side that these trees are not welcome within the city limits. Ironically, they have flourished here throughout KTE and the Villages, and their one contribution has been that they have held the unlandscaped hills intact and have helped keep some of the erosion in check. Nevertheless, they should be removed and replaced with more suitable and attractive species.

4. **Pine Trees:** These were planted throughout the neighborhood, particularly on the hillsides, lining the curbs, corners, and atop the tall hills. Some are quite beautiful. If the developer wants to lower or remove the steep hill he will unequivocally have to destroy perfectly good, desirable trees. It is my understanding, according to Oakridge Landscaping, that there are rules and regulations forbidding the destruction of trees with years of life left in them. One of my pictures shows you how the decorative pines have been treated in the past and currently, whenever new construction takes place. They are merely plowed over and left to rot in a field. Obviously, they could be removed with care and then moved to another green space in our community.

5. **Soil Erosion and Storm Sewer Pollution:** I have included a few pictures of various hills—those with trees and grasses, and those without. It is obvious that the latter are eroding into our sewer system. It can be seen with the naked eye on the hills and in the curbs surrounding the storm sewers. We must ask all developers to make a comprehensive effort to stop this erosion, and by that, I do *not* mean cutting out the hills, felling the pine trees and leaving us with a noisy environment and full view of the enormously high powerlines and towers, not to mention vacant acreage, replete with weed-filled fields populated with Black Locust trees and Phragmites!

Thank you for your attention to these matters. They are important to me and my husband, Joseph L. Sanders, who is a retired Professor Emeritus from Lakeland Community College, and whose health concerns do not allow him to attend the meeting in person, this evening.

Respectfully submitted,

Mary S. Sanders, resident The Villages of KTE, 4326 Tudor Drive, Willoughby, OH 44094

Exhibit B

May 21, 2023

RE: Kirtland Tudor Estates/ EAS #3-2-23

To The Environmental Planning Committee Members and City Officials:

I am the adjacent homeowner to the KTE Planned Townhouse Development residing at 39479 Tudor Drive. I purchased my property in December 2021 after renting KTE property, 39505 Tudor Drive from September 2019-2021.

On April 13, 2023, during the Planning Commission meeting I spoke and opposed the KTE Townhouses/ PPN#21-A-22-0-00-029-0 for four reasons:

- *3 1/2 Story height* of the buildings exceeds all other existing KTE two story homes
- *Lack of individual driveways* for the 8 Townhouses off of the unfinished Tudor Drive road
- *Removal of any dirt* and lowering of the existing berm mound that buffers noise from I-90
- *Lack of detailed proposed drawings and stormwater plans from developer*

Today, I am writing the Environmental Planning Committee and plan to speak again in opposition to the proposed KTE Tudor Development to express the following environmental concerns:

1. Noise Pollution

The existing berm/hill was created by original developer to protect and buffer the Kirtland Tudor Estates development from the traffic noise from I-90 and 306. (Video on Google Drive) From the top the berm, you can see I-90 and exit 193 Kirtland Road and **hear the significant traffic flow. Over the last few years, I have noticed increased traffic noise from I-90.**

2. Visual Impact of the Berm/Hill

The top of the berm consists of several healthy tall pine trees that not only buffer the noise from the highway, but they also provide visual comfort from the transmission towers and power lines between the KTE Development and the transmission field. This berm/hill and the row of more than 15+ tall pine trees on top can be seen from I-90, before and at the exit 193 off ramp, providing visual protection for the quiet KTE Development. The pine trees on top range in height from approximately 8-12+ feet.

3. Storm Water Impact / Wetlands Study / Flooding of existing KTE Homes

What is the storm water impact of this proposed development? If the dirt is removed and the berm lowered, how will this impact storm water and erosion? There are existing water issues with the sewers, unsold lots, the unfinished road Tudor Drive, and a history of flooding basements at KTE. I am concern of the direct impact of increased storm water runoff into the existing sewers and possibly recreating basement flooding issues for my property and neighboring properties.

My townhouse at 39479 Tudor Drive has a history of flooding and now has 2 Sump pumps installed in the basement and a generator back up. While renting 39505 Tudor Drive the basement flooded during heavy rain storms and there is also a double sump pump installed there. I know of two other neighboring properties (Estate Home and middle lower condominium) with a history of basement flooding and sump pumps installed in one of their basements.

4. Safety and Environment

The proposed 8 Townhouse plan that plans to use one existing driveway, adding up to an additional 16+ cars impacts the traffic, noise, and safety to the existing four townhouses currently in use of that one driveway. If there was an emergency, an ambulance and/or firetruck it would NOT be unable to turn around. I would expect that the 8- Townhouse plan would require an other driveway to the north (or several individual driveways to Tudor Drive) and also expect that Tudor Drive is completed by the existing developer (Mark Frantz) before any more homes/ town homes are to be developed at KTE for the safety of all current homeowners.

These factors mentioned above not only all have a significant impact on the safety, use, enjoyment and value of the adjacent existing two-story condominium units, but also for the entire KTE Community as well (Villages home, Cotswolds, and Estate homes.) As an owner at KTE, I bought my property based on the KTE marketing that is still up today, selling lots for single two-story homes in a quiet neighborhood.

I hope these above issues above, as well as any other neighbors' concerns, are addressed at the upcoming Environmental Site Assessment review for this proposed project.

Thank you to all of the councilmen and council women and City Officials for serving the community. I recognize and appreciate your time and commitment.

Sincerely,
Katie Altadonna Morley
39479 Tudor Drive
Willoughby, OH 44094